

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Angelarose Mione

SUMMONS IN A CIVIL CASE**V.**

CASE NUMBER:

Novartis Pharmaceuticals Corporation and
Merck & Co., Inc.**07 CV 2956**

TO: (Name and address of defendant)

Novartis Pharmaceuticals Corporation
One Health Plaza
East Hanover, New Jersey 07936-1080Merck & Company
One Merck Drive
Whitehouse Station, NJ 08889**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)Beatie and Osborn LLP
521 Fifth Avenue, 34th Floor
New York, New York 10175

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

APR 12 2007

J. MICHAEL McMAHON

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT**
EFFECTED (1) BY ME: **PASCAL KUVALAKIS**
TITLE: **PROCESS SERVER**

DATE: 04/18/2007 02:45PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

NOVARTIS PHARMACEUTICALS CORPORATION

Place where served:

ONE HEALTH PLAZA EAST HANOVER TWP. NJ 07936

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

MAT GARRISON ESQ.

Relationship to defendant: ATTORNEY

Description of person accepting service:

SEX: M AGE: 36-50 HEIGHT: OVER 6' WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BLACK OTHER: _____☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

SR

STATEMENT OF SERVER

TRAVEL \$ _____

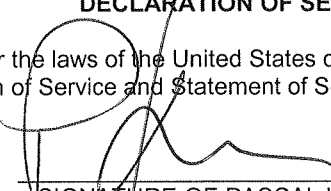
SERVICES \$ _____

TOTAL \$ _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 04/18/2007



SIGNATURE OF PASCAL KUVALAKIS
GUARANTEED SUBPOENA SERVICE, INC.
2009 MORRIS AVENUE
UNION, NJ 07083

ATTORNEY: RSSEL H. BEATIE, ESQ.
PLAINTIFF: ANGELAROSE MIONE
DEFENDANT: NOVARTIS PHARMACEUTICALS CORPORATION, ET AL
VENUE: DISTRICT OF NY
DOCKET: 07 CV 2956

04/18/07
JSURCZ
JANIRA SANTIAGO-VELEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 24, 2007

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COUNTY OF: DISTRICT OF NY ATTORNEY: RSEL H. BEATIE, ESQ.**ANGELAROSE MIONE**

- against -

NOVARTIS PHARMACEUTICALS CORPORATION, ET AL
 Petitioner(s)
 Plaintiff(s)
 Respondent(s)
 Defendant(s)
**AFFIDAVIT
OF SERVICE**
 INDEX#
 07 CV 2956

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

JOSE ALARCON, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in NJ.
 That on date/time: 04/19/2007 03:37PM, at ONE MERCK DRIVE WHITE HOUSE STATION NJ 08889
 deponent served the within: SUMMONS AND COMPLAINT

☐ Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: MERCK & COMPANY

☒ Defendant ☐ Respondent ☐ Witness (hereinafter called the recipient) therein named.

INDIVIDUAL
A ☐

By personally delivering to and leaving with said MERCK & COMPANY
 and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT

CORPORATION
B ☒

By delivering to and leaving with JOAN E. DEARBORN
 at ONE MERCK DRIVE WHITE HOUSE STATION NJ 08889
 and that he knew the person so served to be the MANAGING AGENT of the corporation.

SUITABLE
AGE PERSON
C ☐

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:
 By delivering a true copy thereof to and leaving with _____
 a person of suitable age and discretion at _____
 the said premises being the recipient's ☐ Dwelling/Usual place of abode ☐ Actual place of business within the State of New York.

AFFIXING TO
DOOR, ETC.
D ☐

By affixing a true copy thereof to the door of said premises, the same being the recipient's
☐ Dwelling/Usual place of abode ☐ Actual place of business within the State of New York. Deponent had previously attempted to serve
 the above named recipient on/at: 1. _____ 2. _____ 3. _____
 Deponent spoke with _____ who stated to deponent that the said recipient(s)
 lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO
RESIDENCE
E1 ☐
 Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
 to recipient's last known residence at _____
 and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service
 within New York State on 04/19/2007.

MAILING TO
BUSINESS
E2 ☐
 Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
 to recipient's actual place of business at _____
 in an official repository under the exclusive care and custody of the US Postal Service within New York State. The envelope bore the
 legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication
 was from an attorney or concerned an action against the recipient and mailed on 04/19/2007.

F ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.
 DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT
DESCRIPTION
 Use with A,B,C,D

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14 - 20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21 - 35 Yrs.	<input type="checkbox"/> 5'0" - 5'3"	<input type="checkbox"/> 100 - 130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Moustache	<input type="checkbox"/> 36 - 50 Yrs.	<input checked="" type="checkbox"/> 5'4" - 5'8"	<input checked="" type="checkbox"/> 131 - 160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51 - 65 Yrs.	<input type="checkbox"/> 5'9" - 6'0"	<input type="checkbox"/> 161 - 200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features: _____

WITNESS FEE
G ☐

Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:
☐ was paid (tendered) to the recipient ☐ was mailed to the witness with subpoena copy.

MILITARY
SERVICE
[X]

I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any
 capacity whatsoever and received a negative reply. *Defendant wore civilian clothes and no military uniform.* The source of my
 information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

19 _____ day of April _____, 2007

Notary Signature: _____

Name of Notary _____

CHERYL M. DE VERA
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires April 6, 2011

I, JOSE ALARCON,
 was at the time of service a competent adult
 not having a direct interest in the litigation.
 I declare under penalty of perjury that the
 foregoing is true and correct.

Signature of Process Server _____ Date 4/19/2007